

THE ROSEN LAW FIRM, P.A.

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THE ROSEN LAW FIRM, P.A.

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*Proposed Lead Counsel for
 Proposed Lead Plaintiff Deming Song*

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

PIOTR JASZCZYSZYN, Individually and on Behalf of All Others Similarly Situated,)	Case No. 4:22-cv-00956-HSG
)	
Plaintiff,)	DECLARATION OF PHILLIP KIM
)	IN RESPONSE TO THE COURT’S
v.)	OCTOBER 6, 2022 ORDER TO
)	SHOW CAUSE
)	
)	<u>CLASS ACTION</u>
SUNPOWER CORPORATION, PETER FARICY, and MANAVENDRA S. SIAL,)	
)	Judge: Haywood S. Gilliam, Jr.
Defendants.)	Courtroom: 2 – 4th Floor (Oakland)
)	
)	
)	
)	
)	

1 I, PHILLIP KIM, declare as follows:

2 1. I am a Partner at The Rosen Law Firm, P.A. (“Rosen Law”), counsel to Lead
3 Plaintiff Movant Deming Song. I am admitted *pro hac vice* in this action. (Dkt. No. 47).

4 2. I make this declaration in response to the Court’s October 6, 2022 Order to Show
5 Cause as to why Rosen Law should not be sanctioned for failure to appear at the October 6, 2022
6 hearing. (Dkt. No. 44).

7 3. I have personal knowledge of the matters stated herein and, if called upon, I could
8 and competently testify hereto.

9 4. I apologize for Rosen Law’s absence at the lead plaintiff hearing scheduled for
10 October 6, 2022. We did not mean to disrespect Your Honor, the Court’s staff, or defense counsel.

11 5. I am the Partner at Rosen Law responsible for coordinating the filing of and
12 hearings scheduled for lead plaintiff motions at my firm. Under my oversight, each lead plaintiff
13 motion is assigned to an associate who is tasked with drafting the motion papers, managing the
14 docket, and entering deadlines into the firm’s calendar.

15 6. The lead plaintiff motion in this action was assigned to an associate who left Rosen
16 Law to join another firm in June 2022—nearly a month after the motion was fully briefed.

17 7. In the process of reassigning this action upon the associate’s departure, I
18 regretfully did not confirm that the deadlines in this action were properly entered on the firm’s
19 calendar.

20 8. I sincerely apologize for my oversight. The process by which Rosen Law manages
21 lead plaintiff motions has worked effectively since my tenure at the firm began in 2005. This is
22 the first time my firm has missed a lead plaintiff hearing.

23 9. I respectfully request that the Court not issue sanctions for my mistake.

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct.

26 Executed this 12th day of October 2022.

27 /s/ Phillip Kim
28 Phillip Kim

CERTIFICATE OF SERVICE

I, Phillip Kim, hereby declare under penalty of perjury as follows:

I am a Partner with The Rosen Law Firm, P.A., with offices at 275 Madison Avenue, 40th Floor, New York, NY 10016. I am over the age of eighteen.

On October 12, 2022, I electronically filed the foregoing DECLARATION OF PHILLIP KIM IN RESPONSE TO THE COURT'S OCTOBER 6, 2022 ORDER TO SHOW CAUSE with the Clerk of the Court using the CM/ECF system which sent notification of such filing to counsel of record.

Executed on October 12, 2022.

/s/Phillip Kim
Phillip Kim